

Recommendation Report for Planning Permission

REF NO: BR/20/18/PL

LOCATION: Shingle beach outside Coffee Cup Kiosk
Bognor Regis Esplanade
Bognor Regis
PO21 1NY

PROPOSAL: Change of use of shingle beach opposite the kiosk for the installation of decking with a wooden windbreak to form a seating area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to cover part of the shingle beach across the promenade opposite the existing Coffee Cup cafe with a seating area formed using decking measuring 9 metres by 5 metres in floor area with a wind break surrounding the decking on 3 sides which would be 1 metre in height. The materials of construction would be pressure treated timber.
SITE AREA	45 sq.m.
TOPOGRAPHY	Predominantly flat. Shingle beach subject to shifting due to weather.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	Shingle beach adjoining the promenade on the Bognor Regis sea front.
CHARACTER OF LOCALITY	Sea front promenade with various single buildings along it including refreshment kiosks and foreshore station. Steps down to The Esplanade which is set lower than the promenade. The buildings facing the promenade are generally 5 storeys or more including Esplanade Grande which faces the site.

RELEVANT SITE HISTORY

BR/95/16/PL	Coffee kiosk to include tables & chairs (resubmission following BR/4/16/PL).	ApproveConditionally 16-06-16
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The Coffee Cup cafe was granted planning permission in 2016 and is seeking to extend its seating area onto the shingle beach in front of its kiosk. There are no conditions relating to opening hours on the original planning permission.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

No comments have been received from members of the public. Numerous comments and objections were made on the original application for the Coffee Cup cafe in 2016. The business has now been operating for a number of years without complaint.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Coastal Protection)

WSCC Strategic Planning

Engineers (Drainage)

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC - Highways

Application site not considered to be public highway land not considered. No highway or safety or capacity concerns would be raised to this proposal.

ADC Drainage Engineers - Coastal Protection

Coast Protection have no objection to the aforementioned application.

However, It should be understood that the area in which the applicant proposes to install the decking is highly mobile. The nature of shingle beaches is such that Arun District Council cannot, and shall not, guarantee that the crest width will remain sufficient to maintain the structure. In the event of the asset being damaged or destroyed through storm activity. It will be the responsibility of the applicant to remove the debris on the next working tide.

Additionally, we would advise that if approved, this application have the following condition is attached. The applicant shall be responsible for maintaining the structure in perpetuity, or until such time that the asset is removed, to the satisfaction of the LPA.

ADC Environmental Health

No objection.

ADC Economic Regeneration

Economic Development are keen that additional facilities for both residents and visitors are provided and therefore fully support this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The suggested condition from the Engineers is not required as the Council can deal

with these issues through land ownership.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS C ROAD

PD RESTRICTION

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

SD SP2 Built -Up Area Boundary

[Bognor Regis Neighbourhood Plan 2015 Policy 7](#) Promotion of tourism and beach service points

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a

material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policy BR7 of the Bognor Regis Neighbourhood Plan is considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The Council's Bognor Regis Seafront Strategy must also be considered in this application.

CONCLUSIONS

PRINCIPLE

The site is within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which the application will be assessed is contained within the Local Plan which in this case is considered to be policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities and policy 7 of the Bognor Regis Neighbourhood Plan which seeks to support new and existing tourist facilities in Bognor Regis.

The Bognor Regis Seafront Strategy support a range of new amenities and structures along the seafront. The use is not unreasonable in this location as additional element to an existing business. The Seafront Strategy aims to improve and increase the amount of refreshment services available all year round. From an economic regeneration point of view it is considered a positive aspect of the proposal for all year round use to be offered.

IMPACT ON PROMENADE AND ITS USERS

The decking and windbreak would not provide a significant obstruction for promenade users using the

footpath as it is entirely located on the shingle beach. The only impact would be customers entering and exiting the windbreak area onto the promenade and cafe staff servicing it. This kind of activity is typical of other uses along the promenade.

DESIGN AND VISUAL AMENITY

The proposed wooden wind break and decking would not be unattractive in design, would complement the existing cafe use and would be in line with general street scene of a seafront promenade. It is not overly large or obtrusive with the wooden windbreak being just 1 metre in height. As it is not located at the end of one of the road junctions facing out to the sea it does not impinge on views from these roads. Policy 7 of the Bognor Regis NDP seeks to protect views via the Bognor Characterisation Study. The proposal is acceptable in terms of design and visual amenity.

NEIGHBOUR AMENITY

The additional decking forming an extension to the Coffee Cup cafe would be located across the road from the nearest residential properties (Esplanade Grande) and would be at ground level. The proposal would not cause any loss of light or visual intrusion to the residential amenities of these properties. Environmental Health have raised no objection to potential disturbance created from the use of the cafe extension. The promenade is already a busy, well used area and the additional activity associated with the kiosk is not considered to increase activity levels unacceptably.

The proposal is considered to accord with policy GEN 7 (iv) of the Arun District Local Plan with respect to the amenity of neighbouring properties.

The application is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a positive impact on the protected characteristics because it would provide additional level access tourist facilities.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans;

Block Plan - Unique Plan reference - #00087196 - 7DBBCC

Enhanced Photographic 3D representation of elevations received on 19-01-2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan and Policy BR7 of the Bognor Regis Neighbourhood Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.